

Message Text

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PAGE 01 BRASIL 05216 01 OF 02 051327Z
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 8133
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LIMITED OFFICIAL USE SECTION 1 OF 2 BRASILIA 5216

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SUBJECT: REACTION TO GOB REFORM PACKAGE

REFS: A. BRASILIA 5005, B. BRASILIA 3718

1. SUMMARY: FOLLOWING ANNOUNCEMENT OF PRESIDENT GEISEL'S CONSTITUTIONAL REFORM PACKAGE ON JUNE 23 (REF A), GOB LAUNCHED CAMPAIGN TO PROMOTE REFORMS AND HEAD OFF EXPECTED OPPOSITION. SENATOR PORTELLA

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AIR MINISTER ARARIPE MACED9, BUSINESS COMMUNITY REPRESENTATIVES AND OTHERS STRESSED FAVORABLE ASPECTS OF REFORMS. BRAZILIAN BAR ASSOCIATION, TRADE UNIONS, BRAZILIAN COMMITTEE AMNESTY, PRESS, AND OPPOSITION MDB (MDB REACTION REPORTED SEPTEL) TEMPERED THEIR WELCOME OF PACKAGE WITH CONSIDERABLE CRITICAL COMMENTARY. CHURCH LEADERS EXPRESSED CAUTIOUS SUPPORT, BUT NOTED WEAKNESSES WITH RESPECT TO CONTINUED POTENTIAL FOR ARBITRARY RULE. WHILE REFORMS' SUPPORTERS STRESSED THE NEED FOR GRADUAL, RESPONSIBLE DEMOCRATIZATION, CRITICS FOCUSED ON ABSENCE OF FULL JUDICIAL INDEPENDENCE, POLITICAL AMNESTY, AND RIGHT TO STRIKE IN PACKAGE AS WELL AS ON STATE OF EMERGENCY
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PAGE 02 BRASIL 05216 01 OF 02 051327Z

PROVISIONS WHICH, THEY ARGUED, CARRY POTENTIAL FOR NEW PRESIDENTIAL "ACTS OF EXCEPTION". END SUMMARY.

2. CONCURRENT WITH GEISEL'S JUNE 23 PRESENTATION OF CONSTITUTIONAL REFORM PACKAGE, GOB LAUNCHED INTENSIVE CAMPAIGN TO SELL REFORMS TO PUBLIC AND POLITICAL ELITES, AND TO HEAD OFF ANTICIPATED EFFORTS TO BROADEN DEGREE AND QUICKEN PACE OF PRESIDENT'S POLITICAL OPENING

(REF A). SENATOR PORTELLA, IN FOREFRONT OF GOB EFFORTS, HAS MET WITH ARENA AND MDB LEADERS, ARCHBISHOP ALOISIO LORSCHIEDER OF NATIONAL COUNCIL OF BRAZILIAN BISOPS (CNBB), PRESIDENT RAIMUNDO FAORO OF BRAZILIAN BAR ASSOCIATION (OAB), BUSINESS LEADERS, AND TRADE UNIONISTS. RIO'S JORNAL DO BRASIL (JUNE 26) QUOTED PORTELLA AS SAYING: "WE ARE ON THE OFFENSIVE; WE ARE TAKING THE POLITICAL INITIATIVE ON ALL FRONTS." HE REGRETTED THAT SOME OPPOSITION LEADERS WHO HAD DEDICATED THEMSELVES TO REDEMOCRATIZATION RECOILED WHEN OFFERED "THE SUPREME OPPORTUNITY" TO ADHERE TO THE YEARNINGS OF THE NATION.

DISSIDENT ARENA SENATOR AND SELF-PROCLAIMED PRESIDENTIAL CANDIDATE MAGALHAES PINTO REPORTED AFTER JUNE 25 MEETING WITH PORTELLA THAT LATTER ACKNOWLEDGED THAT REFORM PACKAGE WAS NOT PERFECT DOCUMENT (AS HAD GEISEL IN HIS JUNE 23 SPEECH), AND THAT ALLOWING SOME (PRE-SUMABLY NON-SUBSTANTIVE) AMENDMENTS WOULD AVOID REPETITION OF 1968 CRISIS, WHICH SAW IA-5 PROMULGATED AND CONGRESS CLOSED DOWN. MAGALHAES PINTO SAID THAT A GROUP OF ARENISTAS WERE ALREADY PREPARING AMENDMENTS TO GEISEL'S TEXT. COMMENTING ON GOB'S TACTICS ONE WEEK AFTER PACKAGE'S PRESENTATION, HOWEVER, O ESTADO DE SAO PAULO (JUNE 30) WAS PERPLEXED AT GOVERNMENT'S PUBLIC APPARENT INDECISION AS TO TIMING AND SCOPE OF REFORMS. (O ESTADO BASED ITS COMMENT ON SPECULATION THAT THE EFFECTIVE DATE OF REFORMS WOULD BE ADVANCED (AGAIN) TO SOON AFTER THE NOVEMBER 15 CONGRESSIONAL ELECTIONS, AS WELL AS ON POSSIBILITY THAT GOB WOULD ACCEPT AN AMENDMENT PERMITTING DIRECT ELECTIONS OF STATE GOVERNORS AND ALL FEDERAL SENATORS AT SOME LIMITED OFFICIAL USE

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PAGE 03 BRASIL 05216 01 OF 02 051327Z

FUTURE DATE.) O ESTADO CALLED THIS "STRATEGIC WEAKNESS", AND EXPRESSED SERIOUS DOUBT THAT THE GOB WILL BE ABLE TO HOLD TO ITS OBJECTIVE OF STABLE, GRADUAL REDEMOCRATIZATION.

3. PROVIDING COUNTERPART TO THE ABOVE, AIR MINISTER ARARIPE MACEDO TOLD GRADUATING CLASS OF AIR FORCE GENERAL STAFF COMMAND SCHOOL ON JUNE 27 OF SIGNIFICANT DEMOCRATIC ADVANCES IN REFORM PACKAGE WHICH, HE SAID, EVEN SURPASSES THOSE OF CERTAIN OTHER DEMOCRATIC "MODELS" BECAUSE OF ITS ABOLITION OF DEATH PENALTY. THRUST OF ARARIPE'S ADDRESS WAS SOMBER WARNING THAT "THOSE WHO THINK THEY CAN ACCELERATE THIS PROCESS THROUGH A GAME OF MANIPULATIVE PRESSURE ON PUBLIC OPINION ERR--AND ERR GRAVELY--AND BECAUSE OF THIS ARE AGAINST THE GOVERNMENT. SUCH PRESSURES WILL ONLY SERVE TO PROVOKE COUNTERPRESSURES OF EQUAL OR GREATER INTENSITY, (THUS) REVERSING THE PROCESS OF SLOW, GRADUAL, AND SECURE RELAXATION." REFERRING TO THE MILITARY'S ROLE IN THE PROCESS, ARARIPE HELD THAT THE ARMED FORCES NEVER INTENDED TO REPLACE CIVILIAN POWER BUT RATHER SOUGHT TO STRENGTHEN AND MAKE IT RESPONSIBLE, AS WELL AS TO MAKE IT "HOSTILE TO DEMAGOGY, TO MARXIST PROSELYTISM AND TO COMMUNIST SUBVERSION." HE REJECTED CALLS FOR "FULL DEMOCRACY" AS AN "ALICE IN WONDERLAND" ATTITUDE, AND SUPPORTED THE REFORM MEASURES AS THE ROAD TO "A POSSIBLE DEMOCRACY".

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PAGE 01 BRASIL 05216 02 OF 02 051358Z
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LIMITED OFFICIAL USE SECTION 2 OF 2 BRASILIA 5216

4. REACTION BY BRAZILIAN BUSINESS AND LABOR LEADERS WAS IMMEDIATE AND EXPECTEDLY MIXED. PRESIDENT JOSE PAPA JUNIOR OF SAO PAULO STATE FEDERATION OF COMMERCE CALLED REFORMS "A DECISIVE STEP", WHILE JOAO BAPTISTA LEOPOLDO FIGUEIREDO, MANAGER OF SAAB-SCANIA SUBSIDIARY AND COUSIN OF PRESIDENT-DESIGNATE FIGUEIREDO, WAS QUOTED (JORNAL DO BRASIL, JUNE 25) AS SAYING THAT THE GOVERNMENT CONCEDED WHAT WAS POSSIBLE, EVEN THOUGH THE COUNTRY'S DESIRE WAS FOR MORE THAN WHAT WAS ANNOUNCED. BECAUSE OF THIS, HE HOPED FOR "TOTAL RETURN TO THE RULE OF LAW." ON THE OTHER HAND, LUIS IGNACIO DA SILVA OF POWERFUL SAO PAULO METALLURGICAL UNION STATED CATEGORICALLY THAT REFORMS FAILED TO ADDRESS PROBLEMS OF WORKERS, SPECIFICALLY THE RIGHT TO STRIKE AND SALARY POLICY. ACCORDING TO JORNAL DO BRASIL (JUNE 24), HE WARNED GOB: "WE WILL NOT REQUEST REFORMS; WE WILL DEMAND THEM."

5. ON JUNE 27, BRAZILIAN BAR ASSOCIATION (OAB) ISSUED A STATEMENT BY OAB PRESIDENT RAIMUNDO FAORO ON THE REFORM PACKAGE AND A REPORT BY THREE OAB JURISTS ON THE NATIONAL SECURITY LAW. FAORO WELCOMED THE REFORMS AS "INITIAL AND NECESSARY STEPS IN RESTORING THE LIBERAL AND DEMOCRATIC TRADITION" IN BRAZIL. HE ADDED, HOWEVER, THAT RESTORATION OF FULL STATE OF LAW UNDER TERMS DEFINED AT THE OAB CONFERENCE IN MAY (REF B) COULD NOT TAKE PLACE WITHOUT ELIMINATION OF THE
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PAGE 02 BRASIL 05216 02 OF 02 051358Z

EMERGENCY MEASURES AND STATE OF EMERGENCY WHICH WERE INCORPORATED IN THE REFORMS. FAORO ALSO LAMENTED THAT THE QUESTION OF POLITICAL AMNESTY WAS NOT ADDRESSED IN THE PACKAGE. SECOND OAB DOCUMENT REJECTED THE IDEA OF AMENDING OR REFORMING EXISTING NATIONAL SECURITY LAW BUT RATHER PROPOSED A NEW TEXT, SINCE THE VERY IDEA OF NATIONAL SECURITY LEGISLATION PLACED ARBITRARY POWER IN GOVERNMENT HANDS. CRITICAL OAB POSITION ON THE REFORMS RECEIVED STRONG SUPPORT FROM FOLHA DE SAO PAULO (JUNE 28), WHICH DECLARED THE REFORMS "HESITANT, AMBIGUOUS, AND INCOMPLETE." SPEAKING ON JUNE 29 AT CATHOLIC UNIVERSITY IN GOIAS, FAORO EXPRESSED FEAR THAT, IN MACHIAVELLIAN FASHIO, GOB COULD END UP UTILIZING REFORMS TO GIVE APPEARANCE OF CHANGE AND RENOVATION, BUT ONLY IN ORDER TO AVOID DILUTING THE REGIME'S AUTHORITARIAN REALITY.

6. FOLHA DE SAO PAULO (JUNE 20) REPORTED NOTE RELEASED BY BRAZILIAN AMNESTY COMMITTEE (CBA) WHICH EXPRESSED STRONG DISSATISFACTION WITH ABSENCE OF "FULL, GENERAL AND UNRESTRICTED" AMNESTY IN REFORM PACKAGE. IT WAS NOT ENOUGH, ARGUED THE CBA, FOR THE REFORMS TO PROMISE THE REVOCATION OF THE EXCEPTIONAL ACTS IF THE RIGHTS LOST OVER THE COURSE OF 14 YEARS OF ARBITRARY RULE WERE NOT RECOVERED. LIKEWISE, THE CBA NOTE CONSIDERED THE PACKAGE'S GRANT OF HABEAS CORPUS INSUFFICIENT IN THE LIGHT OF CONTINUED MAINTENANCE OF THE NATIONAL SECURITY LAW WHICH, IT CLAIMED, PERMITTED LONG PERIODS OF ISOLATION OF POLITICAL PRISONERS AND PROVIDED "LEGAL COVER- FOR TORTURE, ASSASSINATION, AND "DISAPPEARANCES" OF THE REGIME'S OPPONENTS.

7. CHURCH LEADERS IN GENERAL TEMPERED THEIR OVERALL HOPEFUL CHARACTERIZATION OF THE REFORMS AS "A POSITIVE STEP" WITH CONCERN OVER PACKAGE'S APPARENT WEAKNESSES. ADMITTING THAT IT WAS TOO EARLY TO ANALYZE OR EVALUATE THE TEXT, SAO PAULO'S CARDINAL ARNS EXPRESSED DOUBT ON JUN 27 THAT THE POWERS RESERVED TO THE PRESIDENT COULD BE MADE SUB LIMITED OFFICIAL USE

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PAGE 03 BRASIL 05216 02 OF 02 051358Z

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JECT TO EFFECTIVE JUDICIAL OR LEGISLATIVE CHECKS. BISHOP IVO LORSCH-EITER, SECRETARY-GENERAL OF NATIONAL COUNCIL OF BRAZILIAN BISHOPS(CNB B), ECHOED THIS OPINION, ALLOWING THAT THE JUDICIARY'S POSITION HAD BEEN SOMEWHAT IMPROVED BY THE RETURN OF JUDICIAL GUARANTEES, BUT THAT THE LEGISLATURE SHOULD HAVE BEEN FURTHER STRENGTHENED. MORE POSITIVELY, SALVADOR'S CARDINAL VILELA EXPRESSED SATISFACTION THAT "GEISEL FULFILLED HIS PLEDGED WORD", IN SPITE OF POTENTIAL FOR EXECUTIVE EXCEPTIONS. HE OPINED THAT GOB SHOULD PAY GREATER ATTENTION TO SOCIO-ECONOMIC QUESTIONS, INCLUDING BETTER INCOME DISTRIBUTION AND A MORE DIGNIFIED STANDARD OF LIVING FOR THE PEOPLE. RIO'S CARDINAL SALES NOTED THAT SOME ASPECTS OF THE REFORM PACKAGE WERE NOT PERFECT,

BUT THAT THERE WAS TIME TO PERFECT THEM DURING THE COURSE OF THE POLITICAL OPENING.

8. EDITORIAL REACTION WAS MAXIED. WITH EXCEPTION OF RIO'S PRO-GOVERNMENT O GLOBO, WHICH FULL AGREED WITH ALL PROVISIONS OF GOB DOCUMENT, MOST EDITORIAL WRITERS TEMPERED THEIR COMMENTARY WITH CRITICISM OF THE SO-CALLED "SAFEGUARDS" (EMERGENCY MASURES AND STATE OF EMERGENCY). MOST DENIGRATING COMMENTARY CAME FROM LUIZ ALBERTO BAHIA OF LIBERAL FOLHA DE SAO PAULO (JUNE 25): "THE REFORMS WILL NOT ESTABLISH EMOCRACY IN BRAZIL, UNLESS THIS DEMOCRACY IS ONE CALLED "BRAZILIAN DEMOCRACY" OR "RELATIVE DEMOCRACY". THEY DO NOT GIVE BACK TO CONGRESS ITS LEGISLATIVE PEROGATIVES AND DO NOT RESTORE UNIVERSAL SUFFRAGE IN SELECTING THOSE WHO GOVERN....ANTI-CIPATING ANNOUNCEMENT OF THE REFORMS, O ESTADO DE SAO PAULO (JUNE 22) EDITORIALIZED: "DESPOTISM BECOMES AN INTEGRAL PART OF THE CONSTITUTION...WHILE CONGRESS IS DEFINITELY KEPT AWAY FROM ANY DECISION-MAKING." ON JUNE 23, HOWEVER, O ESTADO WROTE: THE REFORMS REPRESENT A VERY LONG STEP TOWARD THE PATH...WHICH WILL LEAD US TO RE-ESTABLISH

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MENT OF THE RULE OF LAW. THE MERE FACT THAT THEY REVOKED ALL INSTI-TUTIONAL AND COMPLEMENTARY ACTS, WHICH HAVE RESTRAINED POLITICAL LIFE AND PLACED THE RVOLUTIONARY WILL ABOVE THE CONSTITUTION AND LIMITED OFFICIAL USE

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PAGE 04 BRASIL 05216 02 OF 02 051358Z

THE LAW, INDICATES THAT THE SO-CALLED REVOLUTIONARY POWER BELIEVES THAT ITS MISSION HAS BEEN COMPLETED.". ON A MORE SKEPTICAL NOTE, POLITICAL COLUMNIST CARLOS CASTELLO BRANCO WROTE IN JORNAL DO RAZIL THAT THE PACKAGE "ELIMINATES THE INSTITUTIONAL ACTS, BUT SUBJECTS THE EXERCISE OF THE NEW FEEDOM TO SAFEGUARDS WHICH NO LONGER MEET THE ASPIRATION OF THE POPULACE (WHICH HAS BEEN) STIMULATED BY FREEDOM OF THE PRESS AND BY POLITICAL DEBATE." SAYRE

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Message Attributes

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Status: NATIVE
Subject: REACTION TO GOB REFORM PACKAGE
TAGS: PINT, SHUM, BR
To: STATE
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